

REMARKS

Claims 1-4, 6, 10-15, and 23-30 are all the claims presently pending in the application. Claims 5, 7-9, and 16-22 are canceled.

It is noted that Applicant specifically states that no amendment to any claim herein, if any, should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-4, 6, 10-15, and 23-30 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over US Patent Publication 2004/0173812 to Currie, et al., further in view of US Patent Publication 2004/0108559 to Sugii, et al.

Applicants traverse this rejection in the discussion that follows.

I. THE CLAIMED INVENTION

As described and defined in, for example, claim 1, the present invention is directed to a method of forming a FinFET (Fin Field Effect Transistor) containing a plurality of fins interconnected by fin connectors. At least one localized stressor region is formed within the device, the at least one localized stressor region being located on one of the fin connectors as a region of stressor material filling in an interior portion of the fin connector.

Conventional methods, such as described in paragraphs [0005] through [0007], strain FinFETs by Si or SiGe, but have caused defects, thereby lowering yields.

The claimed invention, on the other hand, provides a localized stressor embedded within the device.

II. THE PRIOR ART REJECTION

In summary, Applicants submit that the prior art rejection of record fails to demonstrate all elements of the claimed invention, since there is no demonstration of providing a localized stressor on the fin connectors of a finFET as a filled-in region on the interior portion of the finFET fin connectors.

Applicants are unable to find any reasonable support in either newly-cited Currie or previously-cited Sugii to form a localized stressor within a transistor, let alone within a fin connector of a FinFET, as required by the plain meaning of the claim language.

Rather, primary reference Currie clearly shows forming the shallow trenches 55a, 55b outside the source, drain 102, 104. Therefore, to the extent that trenches 55a, 55b are considered as localized stressors, these localized stressors are clearly outside the FET 106 in Figure 11 of Currie. Secondary reference Sugii fails to overcome this deficiency of Currie.

The claimed invention defines a specific location of a localized stressor within a specific type of device. The evaluation of record attempts to simply ignore the plain meaning of the claim language and improperly attempts to reduce the evaluation of obviousness to whether or not, once the claimed invention is used as a roadmap, the claimed combination would have been predictable. Simple predictability, based on hindsight, is not the correct evaluation for obviousness.

However, in contrast to the claimed invention, the localized stressor of Currie clearly is outside the device, the device in Currie is clearly not a FinFET, and there is clearly no suggestion in either Currie or Sugii to place a localized stressor on the interior of a fin of a FinFET. Therefore, even if these two references are properly combinable, the combination would not provide the result described in even the independent claims. The Examiner's reliance on *KSR* is misplaced, since this holding clearly requires that the Examiner has the initial burden of providing a reasonable motivation to modify Currie to relocate its trenches within the device and then to convert the FET into a FinFET and relocate the trenches to be on interior surface of the fins.

The rejection currently of record makes no attempt to provide any rationale for any of these changes, let alone all three. Indeed, primary reference Currie can, at best, be considered as demonstrating that a localized stressor would have to be outside the device, not on a structural component within the device.

Moreover, it is clear to one of ordinary skill in the art that trenches 55a, 55b of Figure 11 of Currie cannot be relocated to be within the device without disrupting the functioning of the FET, which modification would not be proper under the holding of *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984), as described in MPEP §2143.01: "*If proposed modification*

would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.”

Hence, turning to the clear language of the claims, in Currie, even if modified by Sugii, there is no teaching or suggestion of “... forming at least one localized stressor region within said device, said at least one localized stressor region being located on one of said fin connectors as a region of stressor material filling in an interior portion of said fin connector”, as required by independent claim 1. Independent claim 14 has similar language.

For this reason alone, all claims are clearly patentable over Currie, and the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-4, 6, 10-15, and 23-30, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee’s Deposit Account No. 09-0458.

Respectfully Submitted,



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CERTIFICATION OF TRANSMISSION

I certify that I transmitted via EFS this Request for Reconsideration under 37 CFR §1.111 to Examiner H. Jey Tsai on April 6, 2009.

A handwritten signature in black ink, appearing to read "Frederick E. Cooperrider", with a long, sweeping horizontal line extending to the right.

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